

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1 and 3-8 are pending. Claims 1 and 3 are amended. Claims 1 and 5 are independent. Claims 5-8 are added. Reconsideration of this application, as amended, is respectfully requested.

Claim Objection and Rejection Under 35 U.S.C. § 112, second paragraph

Claim 3 is objected to because of informalities. Claims 1, 3 and 4 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The claims are amended in accordance with the Examiner's helpful comments to overcome the objection and the rejection under 35 U.S.C. § 112, second paragraph. Accordingly, withdrawal of the objection and the rejection under 35 U.S.C. § 112, second paragraph, are respectfully requested.

Rejection Under 35 U.S.C. § 103(a)

Claims 1, 3 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,464,617 to Lee in view of U.S. Patent No. 5,792,023 to Bazzi et al. This rejection is respectfully traversed.

The Lee '617 patent is only available as prior art under 35 U.S.C. §103(a) because of its 35 U.S.C. §102(e) filing date of September 22, 2000.

Because of changes in the law under the American Inventors Protection Act of 1999, effective November 19, 1999, subject matter which was prior art under former 35 U.S.C. §103 via 35 U.S.C. §102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention “were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.”

The present application was filed November 26, 2001. Applicant respectfully submits that the present application and the Lee ‘617 patent were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same organization, Hyundai Motor Company.

Because the present application was filed after November 29, 1999, and common ownership of the Lee ‘617 patent and the present application has been established, the Lee ‘617 patent is disqualified as available prior art under 35 U.S.C. §103, thereby automatically overcoming the rejection under 35 U.S.C. §103(a). Accordingly, reconsideration and withdrawal are respectfully requested of the rejection of claims 1, 3 and 4 under 35 U.S.C. §103(a) based on Lee ‘617 and Bazzi et al.

Claims 5-8 are added to recite additional aspects of the present invention. Claims 5-8 correspond to claims 1-4 as originally filed in the present application.

In the Office Action dated November 26, 2002, these claims were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,325,742 to

Lee in view of U.S. Patent No. 5,743,826 to Usuki et al. Upon further review, Applicant now respectfully submits that, as with the Lee '617 patent, the present application and the Lee '742 patent were, at the time the invention was made, owned by, or subject to an obligation of assignment to Hyundai Motor Company. Accordingly, the Lee '742 patent is also disqualified as available prior art under 35 U.S.C. §103, thereby automatically overcoming the previous rejection under 35 U.S.C. §103(a).

In view of the foregoing remarks, it is respectfully submitted that independent claims 1 and 5 are in condition for allowance and, further, that dependent claims 3, 4 and 6-8 are allowable at least for their dependency on claims 1 and 5, as well as for the additional limitations provided by these claims.

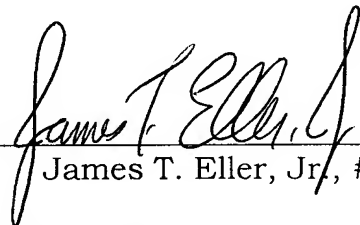
CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mr. Sam Bhattacharya (Reg. No. 48,107) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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